

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

S05P0199W000

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/002322

International filing date (day/month/year)

16.02.2005

Priority date (day/month/year)

23.02.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

SONY CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/002322

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/002322

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-31	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-31	NO
Industrial applicability (IA)	Claims	1-31	YES
	Claims		NO

2. Citations and explanations:

Claims 1-31

Document 1: JP 9-259527 A (Pioneer Electron Corp.)
03 October 1997, full text, all drawings
& US 2004/0095812 A1

Document 2: JP 2000-112673 A (Toshiba Corp.)
21 April 2000, Par. Nos. 0321-0334
& EP 1120787 A1

Document 1 describes a technology, in which the approach used in determining the placement of recorded data on a recording medium with a plurality of recording layers consists in placing data in VTS units as the smallest units, thus enabling continuous reproduction even when the layer reproduced from an optical disk with a dual layer structure is changed, and, furthermore, as described in Par. Nos. 0042-0047, the continuously reproduced data is placed in an area permitting continuous reproduction using interleaved units.

In the invention described in cited document 1, the method used for determining the data groups used as the smallest units differs from the inventions of the claims. However, determination of contiguous data areas based on a function comprising the system transfer rate, physical transfer rate, access time, and head skip time, as described in cited document 2, is a well-known technology, and it would be easy for a person skilled in the art to make use of this well-known technology when determining the data groups described in cited document 1.

It should be noted that although the use of a table in claim 28 makes it different from document 1 and document 2, using a table to set parameters is conventional technology and, as a result, this is considered a matter of design variation that can be determined as deemed appropriate by a person skilled in the art.

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WRITTEN OPINION OF THE
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International application No.

PCT/JP2005/002322

Box No. 1

Basis of this opinion

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4. Additional comments:

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INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/002322

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-31</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-31</u>	NO
Industrial applicability (IA)	Claims	<u>1-31</u>	YES
	Claims	_____	NO

2. Citations and explanations:

Claims 1-31

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